



To the Honorable Council
City of Norfolk, Virginia

January 26, 2016

From: David L. Ricks, Director of Public Works

Subject: Encroach into the right-of-way known as McCulloughs Lane, along western boundary line of Lots 211 and 213 Granby Street with an exhaust duct, roof drains, electric cables and boxes, and doors.

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

Marcus D. Jones, City Manager

Item Number:

R-5

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** R. Craig Burns
211-213 Granby Street
Norfolk, Virginia 23517

III. **Description:**

This agenda item is an ordinance permitting 207 Granby, LLC to encroach into the right-of-way known as McCulloughs Lane, along western boundary line of Lots 211 and 213 Granby Street with an exhaust duct, roof drains, electric cables and boxes, and doors.

IV. **Analysis**

This encroachment in this location will allow 207 Granby Street, LLC to install exhaust ducts to improve their restaurants exhaust system and address old existing encroachments at 211-213 Granby Street.

V. **Financial Impact**

Liability insurance has been provided naming the City of Norfolk ("city") as additional insured in the amount of \$500,000; therefore, there should be no financial risk to the city. The city did not charge a fee for this encroachment.

VI. **Environmental**

N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action

The Department of Public Works and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Review and approval by the Architectural Review Board and the City Planning Commission is not required.

IX. Coordination/Outreach

This letter and ordinance have been coordinated with Department of Public Works, the Department of Planning and Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A and B

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By

DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING 207 GRANBY, LLC TO ENCROACH INTO THE RIGHT-OF-WAY KNOWN AS MCCULLOUGH'S LANE, ALONG THE WESTERN BOUNDARY LINE OF LOTS 211 AND 213 GRANBY STREET WITH AN EXHAUST DUCT, ROOF DRAINS, ELECTRIC CABLES AND BOXES, AND DOORS.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to 207 Granby, LLC ("207 Granby") to encroach into the right-of-way of McCullough's Lane, along the western boundary line and being the rear of Lots 211 and 213 on Granby Street, with an exhaust duct, roof drains, electric cables and boxes, and doors; all of which are shown on Exhibits A and B attached hereto, such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, 207 Granby, or its successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That 207 Granby, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect commercial general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$500,000.00 each occurrence and \$1,000,000.00 general aggregate against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or 207 Granby, and its successors and assigns, for any

injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures, with evidence of such insurance being filed with the Director of Risk Management for the City.

- (4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the encroachment area of Granby Street.

Section 2:- That the failure of 207 Granby, or its successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by 207 Granby, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

SEARCH



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EXHIBIT

A

— EXHAUST DUCT TRANSITIONS AROUND GUTTER
TO EXHAUST FAN LOCATED ON ROOF

EXHIBIT

B

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— 18" DIAMETER EXHAUST PIPE
TO HOOD EXHAUST ON ROOF

